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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/757,089

01/13/2004

Robert Haussmann

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EXAMINER

NGUYEN, HUY THANH

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

12/04/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/757,089	Applicant(s) HAUSSMANN ET AL.	
	Examiner HUY T. NGUYEN	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 57-90 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 57-90 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 57-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsujimoto (7,283,732) in view of Harayama et al (5,630,006)

Regarding claims 57, 63, 72, 79, 80, 85, 86, 89 and 90, Tsujimoto discloses a method of automatically playing the contents of a medium (DVD), the method comprising:

providing a single medium main menu for a pre-determined time period after insertion of the medium into the player, prior to play content of the medium, the menu inviting an interaction by presenting a choice between a fast play option (instantaneous play, column 4, lines 50-55) and a standard play option (column 4, lines 40-45) during a period (the period require a user choose an instantaneous reproduction or not) (column 4, lines 39-57, Fig. 3); and

proceeding to play the contents of the medium, including a feature presentation, in an uninterrupted sequence without any interaction from a user (column 4, lines 46-58).

Tsujimoto fails to specifically teach that the period is a predetermined time period. Harayama teaches a recording and reproducing apparatus having a control

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means for setting a waiting time period having a predetermined time period for a choice a reproducing option base an a displayed menu . and if there is no selection for an option received after the predetermined time, the control means controls the player for play content in a fast play (predetermined order) (column 6, lines 55 to column 7, line 15, column 10, lines 50-55).

It would have been obvious to one of ordinary skill in the art to modify Tsujimoto with Harayama by providing the apparatus of Tsujimoto with a control means as taught by Harayama with the apparatus of Tsujimoto and providing predetermined instructions to the control means for setting the control means to play the content on the medium with a fast play option when no selection received after a predetermined time period and a standard option when a selection is received as alternative plays of Tsujimoto.

Regarding claims 58-62, 69-71 and 76-78, Tsujimoto as modified with Harayama fails to specifying teach trailer, bonus material and sneak peak as the data blocks . However it is noted that using trailer, bonus material or sneak peak as data blocks and arranging, assembling and editing the trailer, bonus or sneak peak for displaying before or after the main feature data blocks is well known in the art. Therefore Official Notice is taken and it would have been obvious to one of ordinary skill in the art to modify Tsujimoto as modified with Harayama by providing the data blocks of Harayama with the data blocks of trailer, bonus material or sneak peak as additional data blocks thereby providing more interesting to the user .

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Regarding claims 64, 81, 83, 84 and 88 Tsujimoto teaches that the command are chosen from a menu (Fig. 3, column 4, lines 1-10) and interrupting playing of the contents .

Regarding claims 65, 66, 73, 74 and 87, Tsujimoto teaches the medium is a digital video disc and player is a digital video disc player (column 2, lines 64-67).

Claim 66 (previously presented): The medium of claim 63, wherein the medium player is a digital video disc player.

Regarding claims 67 and 68, Tsujimoto teaches the medium player is operable in conjunction with a video display that can display the plurality of data blocks of the medium.

Regarding claims 68 and 75, Tsujimoto teaches the plurality of data blocks include at least one movie.

Regarding claims 80, 82 and 84, Tsujimoto teaches playing from an interruption point (column 4, lines 20- 35).

Response to Arguments

3. Applicant's arguments filed 19 August 2009 have been fully considered but they are not persuasive.

Applicant argues that “ A proper combination of Tsujimoto and Hirayama et al simply does not teach Applicants' claimed invention at all. The best that can be said for this combination of references is that Tsujimoto teaches a menu display bypass functionality. There is no automatic play of the media content upon insertion of the

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media into the player. Further, there is no automatic play of the media content upon insertion of the media into the player after a predetermined period as is set forth in Applicants' claims."

In response , it is noted that the applicant argument does not reflect the claimed invention since nowhere in the claims do they recite "automatic play the media content" upon insertion of the media into the player or after insertion the media into the player after a predetermine period.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571)272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Q. Tran can be reached on (571) 272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/HUY T NGUYEN/
Primary Examiner, Art Unit 2621